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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/856,362

05/22/2001

Dominique Hamoir

Q64544

6876

23373 7590 09/14/2007  
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EXAMINER

PASCAL, LESLIE C

ART UNIT

PAPER NUMBER

2613

MAIL DATE

DELIVERY MODE

09/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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58

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09856362	5/22/01	HAMOIR, DOMINIQUE	Q64544

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**EXAMINER**

Leslie Pascal

ART UNIT	PAPER
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2613

20070818

DATE MAILED:

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**Commissioner for Patents**

The reply brief filed 4-9-07 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

Answer to Appellants' paragraph number 1; "Improper citation of New Art in Examiner's Answer". The Appellant should see MPEP 1207.03, section III, "if the rejection under the basic thrust of the rejection remains the same" when new art is cited, then there is no new grounds of rejection. The rejections in the Examiner's Answer are the same as in the previous final rejection. They have not changed in any way. The reference is used in response to the Appellants' arguments that no one has thought of doing this previously. The reference was issued after the Final Office action, which is why it was not cited earlier.

Answer to paragraph number 2; "In re Hyatt is Inapplicable in the Present Case". All issues discussed in Examiner's Answer page 5, second paragraph-page 7, end of second paragraph. See MPEP section cited in the Examiner's Answer.

Answer to paragraph numbers 3 and 4; "Selah Does Not Teach the Claimed Invention" and "The Examiner is Ignoring the Limitations of Claims 5, 14 and 18". All issues are discussed in the Examiner's Answer. Saleh teaches the same means in the same type of system as the Appellant (see chart on page 8 in Examiner's Answer). The Appellant argues Saleh does not teach how to set the elements so that they will operate as claimed. The Appellants' specification never teaches that the elements have to be set to operate ... so he clearly never teaches HOW to set the elements either (see last two lines of page 9-end of paragraph on page 10 of the Examiner's Answer).

/Leslie Pascal/  
Primary Examiner  
Art Unit: 2613